

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

JON R. ADAMS,

Plaintiff

v.

SCOTT LANDRY, et al.,

Defendants

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2:15-cv-00282-JAW

**ORDER ON MOTION TO REFILE**

On January 12, 2017, the Court dismissed Plaintiff's complaint without prejudice. (ECF No. 49.) On June 29, 2017, Plaintiff filed a motion to reopen. (ECF No. 51.) The Court denied the motion to reopen and explained to Plaintiff that he had the right "to file a new complaint based on the same grounds as the one dismissed." (Order at 2, ECF No. 56.)

On August 14, 2017, Plaintiff filed a motion in which he again asserted that he wanted to proceed with the case bearing docket number 2:15-cv-00282-JAW. (ECF No. 58.) On September 8, 2017, based on the Court's prior order denying the motion to reopen, the Court mooted the motion and explained that Plaintiff would be able to proceed with the action with the filing of a complaint. (Order, ECF No. 61.)

On September 13, 2017, Plaintiff "refiled" his complaint, and on September 14, 2017, the Clerk docketed Plaintiff's complaint under docket number 2:17-cv-00357-JAW. Nevertheless, on September 21, 2017, Plaintiff again filed a pleading with the Court bearing docket number 2:15-cv-00282-JAW, and he asserted that his refiled action should proceed under that docket number. In his reply memorandum, Plaintiff wrote that he "is still unsure if the Court should have issued a new docket number." (Reply, ECF No. 64.) Plaintiff appears

to be concerned that the Court's order and Defendants' arguments that Plaintiff's recent filings on this docket are "moot" somehow suggest that his claims are moot. (*Id.*)

The Court dismissed Plaintiff's complaint in case number 15-282 without prejudice. The Court, therefore, did not address or resolve the merits of Plaintiff's claims. The dismissal, however, closed case number 15-282. If Plaintiff wished to assert the claims that he asserted in 15-282, as the Court explained in its order of August 7, 2017, Plaintiff could file a new complaint without first seeking authority from the Court. (Order, ECF No. 56.) Plaintiff has filed a complaint. When a complaint is filed, the Court assigns the case a docket number. In accordance with its normal practice, the Court assigned docket number 2:17-cv-00357-JAW to the case.

Because Plaintiff did not require the Court's approval to file a complaint and because Plaintiff has filed a complaint, Plaintiff's motion to refile is moot. By mooted the motion, the Court is not ruling on the merits of Plaintiff's claims. The Court is simply noting that the motion is unnecessary because Plaintiff has refiled his claim, which has been assigned case number 2:17-cv-00357-JAW. Case number 2:15-cv-00282-JAW is closed. The merits of Plaintiff's claims will be adjudicated under docket number 2:17-cv-00357-JAW.

Based on the foregoing analysis, the Court dismisses as moot the motion to refile. (ECF No. 62.)

### **NOTICE**

Any objections to this Order shall be filed in accordance with Fed. R. Civ. P. 72.

/s/ John C. Nivison  
U.S. Magistrate Judge

Dated this 30th day of October, 2017.